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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,670	08/22/2003	Roger M. Snow	PA0887.ap.US	1007

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EXAMINER

LAYNO, BENJAMIN

ART UNIT	PAPER NUMBER
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3712

DATE MAILED: 05/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/646,670	Applicant(s) SNOW, ROGER M.	
	Examiner Benjamin H. Layno	Art Unit 3712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>51804</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Potter et al.

The patent to Potter discloses a method of playing a casino table poker-type game. To play Potter's game, a player places an ante 40 to participate in the poker-type game. The player may make an optional side bet wager 41, progressive jackpot wager, against a payable on the rank of the player's hand, see Table A, col. 5, lines 5-15. The dealer provides one hand to the player 42, 46, 52, and two hands (High hand, Low hand) to the dealer 53, col. 4, lines 44-49. The player's hand and each of the dealer's hands have the same number of cards, five, which is at least two cards. The player elects 48 to a) fold, col. 7, lines 60-62, b) place a wager to compete against less than all dealer hands, or c) place a wager to compete against all dealer hands, col. 4, lines 31-34. The dealer's two hands are disclosed 53, and the wagers made in b) and c) are resolved 54.

3. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Jones et al.

The patent to Jones discloses a method of playing a casino table card game with a player hand competing against a dealer hand, see poker embodiment col. 4, lines 21-

29. To play Jones' game, a player makes an ante wager, and elects to make a bonus (progressive jackpot) wager, col. 3, lines 10-15, and see col. 4, lines 21-29. The player is paid a first amount (more than even money) for a predetermined hand on the bonus wager when the dealer hand qualifies with at least a predetermined rank of Ace-King, col. 4, lines 39-44. The player is paid a second amount (even money) for a predetermined hand on the bonus wager when the dealer hand does not qualify with at least a predetermined rank of Ace-King col. 4, lines 31-39.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al.

Determining exactly the amount of the first amount, and the amount of the second amount (e.g. multiple of first amount) is simply a casino business decision which is always obvious in the art.

6. Claims 4, 10, 11 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter et al. in view of Hedman.

The patent to Hedman discloses a casino table poker-type game wherein a player hand competes against three dealer hands col. 4, line 67 to col. 5, line 1. In view

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of such teaching, it would have been obvious to provide a third hand to the dealer in Potter's game above. This modification would have made Potter's game more exciting to play. In regard to claim 11, determining exactly the number of cards in each of the player's and dealer's hands (e.g. two cards, three cards, four cards, five cards, etc.) is simply a casino business decision which is always obvious in the art.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Potter et al. in view of Hedman as applied to claim above, and further in view of Lott.

Lott teaches that it is known in table poker-type games to deal the dealer a seven card poker hand wherein two cards are discarded to form a best five card poker hand, col. 6, lines 28-30. In view of such teaching, it would have been obvious to deal a seven card poker hand to one of the dealer's hands in Potter's game. Two cards would have been discard to form the best five card poker hand. This modification would have given the casino an advantage for business purposes.

8. Claims 6, 13, 14 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter et al. in view of Hedman as applied to claims 1 and 10 above, and further in view of Jones et al.

The Applicant is referred to the teaching of a predetermined hand of Jones above. In view of such teaching, it would have been obvious to incorporate the predetermined hand rule of Jones to Potter's game. This modification would have provided an advantage to the players making Potter's game more exciting to play. Determining exactly the rank of the predetermined hand (e.g. Ace-King, 6 high, Jack-10,

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etc.) would have simply been a casino business decision that is always obvious in the art.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Hesse discloses a casino table poker-type game wherein one player hand competes against two dealer hands. The patent to LeVasseur discloses a blackjack game wherein one player hand competes against three dealer hands.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (703) 308-1815. The examiner can normally be reached on Monday-Friday, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Benjamin H. Layno

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Primary Examiner
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bhl